
From: edward.reines@weil.com [mailto:edward.reines@weil.com]
Sent: Thursday, April 05, 2007 5:21 PM
To: viviane.simon@francetelecom.com
Cc: Steven.Cherny@lw.com; Dunner, Don; SSinder@kenyon.com
Subject: Telcordia v. Cisco, Civil Action No. 04-875-GMS; Telcordia v. Lucent, Civil Action No. 04-876-GMS

Viviane Simon
France Telecom
38-40, rue du Général Leclerc
92794 Issy-les-Moulineaux Cedex 9

Dear Ms. Simon:

As you may recall, we are lawyers for Cisco Systems and Lucent Technologies in lawsuits brought by Telcordia Technologies against Cisco, Alcatel and Lucent. The lawsuits are for the alleged infringement by Cisco, Alcatel and Lucent of certain Telcordia's patents, including one patent directed to the "SRTS" technique. Last year, you attended the depositions taken by Alcatel and Telcordia of three current and former France Telecom engineers -- Messrs. Adam, Cochenne and Houdoin -- who were involved in early work on SRTS.

At a recent hearing, the Judge in our cases asked that Cisco and Lucent (Alcatel's case is on-hold for now) request that France Telecom make Mr. Houdoin, who we understand to be currently employed at France Telecom, available for one additional day of deposition in Paris. As a result of the scheduling for Mr. Houdoin's deposition last year, Telcordia believes it did not have an opportunity to complete its questioning of Mr. Houdoin and would like an opportunity to complete that questioning now. The Judge has asked that we request France Telecom to provide that opportunity. Of course, if Mr. Houdoin can come to Paris for deposition, we will schedule this deposition at a time convenient for him and arrange for his expenses to be paid. Please contact us at your earliest convenience to advise whether we can proceed with Mr. Houdoin's deposition and, if so, when Mr. Houdoin can be made available. The trial is scheduled to start on April 30, so this is time-sensitive.

In addition, the Judge has stated a preference that Messrs. Adam, Cochenne and/or Houdoin appear in person to testify in our cases. We also request that you consider whether these individuals would be willing to travel to the United States to testify at the trial, which as noted above begins on April 30 in Delaware. Again, we will arrange for their expenses to be paid. Please advise.

For their information we are copying Telcordia's counsel and Alcatel's counsel on this email.

Best,

Edward R. Reines
Weil Gotshal & Manges
Counsel for Defendant, Cisco Systems, Inc.

Steven C. Cherny
Latham & Watkins
Counsel for Defendant, Lucent Technologies Inc.

From: "SIMON Viviane RD-PIV-ISS" [viviane.simon@orange-ftgroup.com]
Sent: 04/06/2007 11:05 AM ZE2
To: Edward Reines
Cc: <Steven.Cherny@lw.com>; <don.dunner@finnegan.com>; <SSinder@kenyon.com>
Subject: RE: Telcordia v. Cisco, Civil Action No. 04-875-GMS; Telcordia v. Lucent, CivilAction No. 04-876-GMS

Dear Mr Reines:

We are wondering what are mandatory and what is to our discretion. If I understand well, the hearing of Mr Houdoin in Paris seems mandatory and the testify in person in your cases of Messrs. Adam, Cochenne and/or Houdoin seems to our discretion. Am I right ?

Best,

Viviane Simon

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From: edward.reines@weil.com [mailto:edward.reines@weil.com]
Sent: Saturday, April 07, 2007 10:13 PM
To: SIMON Viviane RD-PIV-ISS
Cc: Steven C. Cherny; Dunner, Don; Stuart J. Sinder
Subject: Re: Telcordia v. Cisco, Civil Action No. 04-875-GMS; Telcordia v. Lucent, CivilAction No. 04-876-GMS

Dear Ms. Simon,

Thank you very much for your prompt response.

Neither the deposition of Mr. Houdoin in Paris nor the appearance of Messrs. Adam, Cochenec and Houdoin at the trial in the United States are "mandatory" although the Judge stated he expected that Mr. Houdoin would appear for another deposition and that he was "distress[ed]" to hear that these important witnesses may not appear in person at trial. The Judge would appreciate France Telecom's cooperation and ordered Cisco and Lucent to ask France Telecom to make these witnesses available but acknowledged that he "can't order France Telecom to do a thing" and that he "understand[s] the constraints of international litigation . "

I hope this responds to the question you asked.

Thank you for your consideration.

Best,

Edward Reines

From: HOUDOIN Thierry RD-CORE-LAN [mailto:thierry.houdoin@orange-ftgroup.com]
Sent: Tuesday, April 10, 2007 9:16 AM
To: edward.reines@weil.com
Cc: Steven C. Cherny; Dunner, Don; Stuart J. Sinder; SIMON Viviane RD-PIV-ISS
Subject: RE: Telcordia v. Cisco, Civil Action No. 04-875-GMS; Telcordia v. Lucent, CivilActionNo. 04-876-GMS

Mr. Reines,

Viviane Simon called me earlier this morning, and transferred your demand. In this case, France Telecom will let the decision to myself. I am will to cooperate, but in order to get a precise answer, I need some information.

- 1) If I decide to testify in Paris, will my presence requested at the trial ?
- 2) If I decide to go to the USA for the trial, will my testimony in Paris be necessary ?
- 3) Could you give me some information about the trial dates ? You wrote that the trial will begin on April 30th, but how long will it last, and when if I decide to go to the USA, will my physical presence be necessary ?

Best regards,

Thierry Houdoin

From: edward.reines@weil.com [mailto:edward.reines@weil.com]
Sent: Wednesday, April 11, 2007 2:02 PM
To: thierry.houdoin@orange-ftgroup.com
Cc: Dunner, Don; SSinder@kenyon.com; Steven.Cherny@lw.com; viviane.simon@orange-ftgroup.com
Subject: RE: Telcordia v. Cisco, Civil Action No. 04-875-GMS; Telcordia v. Lucent, Civil Action No. 04-876-GMS

Mr. Houdoin:

We are writing you directly with the understanding that you and Ms. Simon find that acceptable. If there is any concern about this, you and/or Ms. Simon should let us know right away.

Thank you for your prompt response and general willingness to cooperate.

You have asked about a Paris deposition relative to a trial appearance in the United States. Cisco, Lucent, Telcordia and the Court all have expressed a preference for live testimony at trial compared to deposition testimony, so we would ask you to attend trial live. We believe it is unreasonable to ask you to testify in deposition in the next two weeks, if you are gracious enough to attend the trial.

You also asked about the timing of trial and your testimony. The trial starts on April 30 and is expected to last about two weeks. We would make every effort to accommodate your schedule. May 7 or 8 would be dates that would likely work for your trial testimony. We would minimize the amount of time in Delaware for you. As noted previously, the parties would compensate you for your travel to the United States.

Thank you again for your predisposition to cooperate. Please let us know how you would like to proceed and we can work out the specifics.

Best,

Edward R. Reines
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201 Redwood Shores Parkway
Redwood Shores, CA 94065
Tel (650) 802-3022
Fax (650) 802-3100

From: Williamson, John
Sent: Wednesday, April 11, 2007 4:22 PM
To: edward.reines@weil.com
Cc: 'Steven.Cherny@lw.com'; 'ssinder@kenyon.com'; 'thierry.houdoin@orange-ftgroup.com'; 'viviane.simon@orange-ftgroup.com'; Dunner, Don
Subject: Telcordia v. Cisco, Civil Action No. 04-875-GMS; Telcordia v. Lucent, Civil Action No. 04-876-GMS

Ed,

Your recent email to Mr. Houdoin is entirely inconsistent with the Court's ruling during the March 30, 2006, pretrial conference. As you know, our motion *in limine* that prompted the Court's ruling was a motion that sought to preclude the defendants from using Mr. Houdoin's **deposition testimony** because Telcordia did not have an adequate opportunity to cross-examine Mr. Houdoin during his **deposition**.

The Court thus ordered the defendants to ask France Telecom whether it would voluntarily make Mr. Houdoin available for another day of deposition. Specifically, the Court stated:

"Counsel need to work cooperatively, when he [Mr. Houdoin] is made available to appear. They [Telcordia] have indicated they need a day. So that shouldn't require any further meeting with him [Mr. Houdoin] on the day of the **designated deposition**. **A day means seven hours of testimony**. That is the Court's ruling."

While the Court also expressed its preference that Mr. Houdoin appear live at trial (and acknowledged that this may not be possible due to the constraints of international litigation), the issue of whether Mr. Houdoin ultimately chooses to appear in the United States for trial is entirely independent of Telcordia's effort to seek additional deposition time with Mr. Houdoin.

The Court ordered the parties to work together to seek additional deposition time with Mr. Houdoin, and nothing in the Court's ruling suggests that Mr. Houdoin may appear for trial testimony in lieu of an additional day of deposition.

Your instruction to Mr. Houdoin that if he appears at trial, Telcordia would not be entitled to the additional day of deposition testimony that was discussed at the hearing, is at odds with the Court's ruling. Telcordia maintains its position that if the defendants plan to use Mr. Houdoin's testimony at trial - either live testimony or deposition testimony - then Telcordia must first be afforded additional deposition time with Mr. Houdoin.

We would like to schedule that deposition to take place next week.

Regards,

John

John M. Williamson | Attorney at Law | Finnegan, Henderson, Farabow, Garrett & Dunner, LLP | 901 New York Avenue, NW, Washington, DC 20001-4413 | 202.408.4282 | fax 202.408.4000 | john.williamson@finnegan.com

From: SIMON Viviane RD-PIV-ISS [mailto:viviane.simon@orange-ftgroup.com]
Sent: Thursday, April 12, 2007 3:52 AM
To: edward.reines@weil.com; HOUDOIN Thierry RD-CORE-LAN
Cc: Dunner, Don; SSinder@kenyon.com; Steven.Cherny@lw.com
Subject: RE: Telcordia v. Cisco, Civil Action No. 04-875-GMS; Telcordia v. Lucent, CivilAction No. 04-876-GMS

Dear all:

For your information, we have given Mr Houdoin our consent for writing you directly under the condition that I am copied.

Best,

Viviane Simon

Responsable de Groupe Ingénieurs Brevets MAPS
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Ph. D. Viviane Simon

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From: edward.reines@weil.com [mailto:edward.reines@weil.com]
Sent: Thursday, April 12, 2007 10:17 AM
To: SIMON Viviane RD-PIV-ISS; HOUDOIN Thierry RD-CORE-LAN
Cc: Dunner, Don; Stuart J. Sinder; Steven C. Cherny
Subject: Re: Telcordia v. Cisco, Civil Action No. 04-875-GMS; Telcordia v. Lucent, CivilAction No. 04-876-GMS

Dear Ms. Simon:

Thank you for your courtesy.

Best,

Ed

From: edward.reines@weil.com [mailto:edward.reines@weil.com]
Sent: Thursday, April 12, 2007 10:20 AM
To: HOUDOIN Thierry RD-CORE-LAN
Cc: Steven C. Cherny; Dunner, Don; Stuart J. Sinder; SIMON Viviane RD-PIV-ISS; Williamson, John
Subject: Re: Telcordia v. Cisco, Civil Action No. 04-875-GMS; Telcordia v. Lucent, CivilActionNo. 04-876-GMS

Mr. Houdoin:

I apologize for the attorney argument to which you have been exposed. Because the Judge makes the decisions, we plan on promptly contacting the Judge to understand from him what will be expected of you under the different scenarios. You deserve a clear answer. A prolonged debate between the attorneys on this subject will not satisfy anyone.

We plan to get back to you soon.

Best,

Ed

From: edward.reines@weil.com [mailto:edward.reines@weil.com]
Sent: Tuesday, April 17, 2007 4:20 AM
To: HOUDOIN Thierry RD-CORE-LAN
Cc: Steven C. Cherny; Dunner, Don; Stuart J. Sinder; SIMON Viviane RD-PIV-ISS; Williamson, John
Subject: Re: Telcordia v. Cisco, Civil Action No. 04-875-GMS; Telcordia v. Lucent, CivilActionNo. 04-876-GMS

Mr. Houdoin:

As explained in my last email, we are asking Judge Sleet for clarification as to whether, if you agree to attend trial in the United States, he would ask that you also sit for deposition beforehand. The parties have agreed to present that issue to the judge this Friday for decision. As you know, we all hope you can attend trial live and expect to have the answer to you on Friday on the deposition issue.

Best,

Ed

From: HOUDOIN Thierry RD-CORE-LAN [mailto:thierry.houdoin@orange-ftgroup.com]

Sent: Tuesday, April 17, 2007 5:35 AM

To: edward.reines@weil.com

Cc: Steven C. Cherny; Dunner, Don; Stuart J. Sinder; SIMON Viviane RD-PIV-ISS; Williamson, John

Subject: RE: Telcordia v. Cisco, Civil Action No. 04-875-GMS; Telcordia v. Lucent, CivilActionNo. 04-876-GMS

Mr. Reines,

Thank you for your answer.

I am waiting for the Judge position next Friday, and after that, I will give you my answer about travelling to the USA for the trial.

Nethertheless, I would say that, if I should go to Paris for a testimony before the trial, the timing will be very tight

Best regards,

Thierry Houdoin